

Remarks

Favorable reconsideration in view of the herewith presented amendment and remarks is respectfully requested.

Claims 24-40 are pending in this application.

Claims 24-29 and 33-37 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

Claims 24-40 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Muller or in the alternative as being unpatentable under 35 U.S.C. §103(a) over Muller in combination with Danino.

Claim 25 is rejected under 35 U.S.C. 102(a) as allegedly being unpatentable over Muller or over Muller in combination with Danino and further in view of Mauer et al.

Applicants respectfully traverse these rejections.

Applicant has restricted the present application to a male-type element and to exclude nut-type elements.

The present claim refers to the present fastener as a male element. The amended claims avoid the prior art since the prior art shows hollow rivet elements which are inserted into a pre-holed piece of sheet metal and then crushed to form an annular fold and a rivet flange, are all female-type elements. This is necessary because the pin by which the crushing forces are applied engages the threads of the nut-type element.

Claim 24 has been further amended to refer to the element being without a flange. This amendment allows the present claims to avoid the prior art. The reference relied upon by the Examiner is restricted to providing a flangeless female-type element. It is apparent that the solution provided by EP 0028019, or any of the similar references, always presuppose the presence of a predrilled hole and the engagement of a tool with the thread of the nut and passing

through the hole to insert the element into the hole. With a male element there is no threaded hole passing through the element and there is no preformed hole in the panel and therefore we have emphasized that the element is adapted to both pierce the panel and be deformed to form the annular fold and the rivet flange.

Applicant has added wording to claim 24 to reflect the Examiner's suggestion at section 11 of the official letter. This wording, relating to properties of the panel that is cut and of the element, reflects the disclosure on page 40 of the application. I.e., the application does disclose these properties contrary to the Examiner's position. Applicant has also emphasized the conical cutting surface (26) at the distal end of the head part. The wording used is based on the disclosure of page 9, line 4 to 11, and the direction of divergence of Fig. 1 or better still Fig. 15 (conical surface 726).

Applicant intends to file a declaration to explain the error in inventorship introduced by the German Patent Office.

It is believed that all of the present claims are in condition for allowance. The Examiner is requested to reconsider and withdraw all of the rejections made in the Official Action. Early and favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

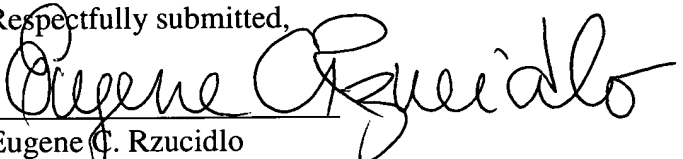
If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 309-1214. The undersigned may also be contacted by e-mail at gcr@hunton.com

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-2536.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-2536.

Dated: December 29, 2005

By: Respectfully submitted,


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